

May 23, 2002

The Honorable Christine Todd Whitman  
Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building  
Room 3000, #1101-A  
1200 Pennsylvania Ave., N.W.  
Washington, DC 20460

Subject: Comments on the ACC's HPV Test Plan for the Fuel Oils Category

Dear Administrator Whitman:

The following comments on the American Chemistry Council's (ACC's) test plan for the fuel oils category are submitted on behalf of the Physicians Committee for Responsible Medicine, People for the Ethical Treatment of Animals, the Humane Society of the United States, the Doris Day Animal League, and Earth Island Institute. These health, animal protection, and environmental organizations have a combined membership of more than nine million Americans.

The ACC's test plan for the fuel oils reflects a thoughtful approach to the development of robust summaries and test plans. The ACC intends to draw on existing data and to correlate systematic structural changes with changes in toxicity for almost all SIDS endpoints. While we appreciate the ACC's efforts, the organization does not take this systematic analysis far enough. We are concerned that the test plan proposes further aquatic testing, despite the fact that the hazards of fuel oil spills in aquatic systems are well understood. Furthermore, we believe that this category must be expanded to include other related HPV chemicals. Per the October 1999 Agreement among the EPA, industry, and health, environmental, and animal protection organizations, HPV sponsors should maximize the use of chemical categories.

The fuel oils category is composed of mixed substances with a variety of aromatic and cyclic compounds. The hazards of many of the individual components of these streams are well understood (e.g., naphthalene, biphenyl, PAHs), and the toxicity of similar mixtures is relatively well understood. Compositionally, there is significant overlap with the American Petroleum Institute's gasoline category, the ACC's fuel oil category, and the ACC's higher olefins category. As we have mentioned in previous comments, a comparison of a broader range of compounds provides more insight into the overall hazard associated with compounds, rather than simply viewing single compounds or limited categories in a vacuum.

We question the ACC's proposed acute aquatic toxicity testing, as the acute hazard associated with the release of these and similar substances is already well understood. Extensive field experience associated with the large-scale discharge of these or similar substances to both fresh and saltwater systems clearly documents the hazard associated with these compounds. As summarized on pages 18 and 19 of the test plan, the toxicity mechanism is non-polar necrosis, a clearly understood mechanism, and further SIDS testing will not expand the current understanding of potential risks to aquatic systems. The ACC should delete its proposal for further aquatic toxicity testing of these compounds.

Thank you for the opportunity to comment. If you have any questions, please contact Jessica Sandler at 757-622-7382, ext. 1304 or via e-mail at [jessicas@peta.org](mailto:jessicas@peta.org).

Sincerely,

Nicole Cardello, M.H.S.  
Staff Scientist